



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

August 25, 2004

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From:

*David E. Janssen*  
David E. Janssen  
Chief Administrative Officer

**SACRAMENTO UPDATE**

**California Performance Review Commission Revised Schedule**

The Commission has finalized its schedule of future hearings, including a hearing to be held in Los Angeles on September 9, 2004, on Education, Training and Volunteerism. The new schedule is attached.

**Pursuit of County Position on Legislation**

**AB 1721 (Koretz)**, as amended on June 28, 2004, would prohibit merchants from charging a price higher than the lowest advertised price that is displayed or posted, regardless of whether there is a posted expiration date for that price. It would make a violation of this provision 1) a misdemeanor punishable by a fine of \$25 to \$1000, by imprisonment in county jail for up to one year, or both if the violation is willful or grossly negligent, or 2) an infraction punishable by a fine up to \$100 when the amount overcharged is \$1 or less. The measure would require every retail grocery store which uses an automatic checkout system to have a clearly readable price indicated on 85 percent of the commodities offered for sale, unless they are otherwise exempted. Any business which uses an automatic checkout system would also be required to ensure that prices are conspicuously displayed to the consumer at the time the price is interpreted by the system.

According to the author's office, retailers use signage to advertise sales, price reductions, and alleged savings, enticing their customers to buy items on display. Such signage will often include an original, regular price, the sale price, and the effective dates of their sale. Routinely, retailers fail to remove the promotional material after the sale ends and continue to display prices that they do not intend to honor. The failure to remove signs results in deception and misleads consumers.

The County Agricultural Commissioner/Weights and Measures indicates that businesses have been successful in using old expiration dates on shelf tags as a defense when they have chosen to go to trial, arguing that consumers should read the expiration dates and understand that the lower price no longer applies. The District Attorney reports that many California retailers use prominent sale price tags, but leave those sale tags on the shelves long after the expiration dates, which are often in inconspicuous fine print. Consumer Affairs believes that AB 1721 will further protect California consumers from misleading and deceptive advertising.

Because AB 1721 would clarify the general prohibition on inaccurate pricing, and address the problem of expired sale price tags on store shelves, the County Agricultural Commissioner/Weights and Measures, the District Attorney, and Consumer Affairs recommend that the County support AB 1721, and we concur. Consistent with County policy to support legislation to protect consumers through more and better information, **our Sacramento advocates will support AB 1721.**

AB 1721 is sponsored by the Los Angeles City Attorney and supported by the California Agricultural Commissioners and Sealers Association, California Conference Board of the Amalgamated Transit Union, California Conference of Machinists, California Consumer Affairs Association, California District Attorneys Association, California Public Interest Research Group, California Teamsters Public Affairs Council, City of Santa Monica, Consumer Federation of California, Engineers and Scientists of California, AFL-CIO, Kern County District Attorney, Los Angeles County Agricultural Commissioner/Director of Weights and Measures, Marin County District Attorney, Mayor of San Francisco, Los Angeles County District Attorney, Orange County District Attorney, Riverside County District Attorney, San Diego City Attorney, San Diego County District Attorney, Santa Cruz County District Attorney, Ventura County District Attorney, State Attorney General Bill Lockyer, Teamsters, United Food and Commercial Workers, and the Ventura County Resource Management Agency. There is no registered opposition. AB 1721 is currently in the Assembly for concurrence in Senate amendments.

**AB 2702 (Steinberg)** as amended on August 23, 2004, would establish standards for local ordinances regarding second residential units in single family and multiple family residential zones, and residential units on school district property.

Specifically, AB 2702 would allow local jurisdictions to adopt an ordinance designating allowable areas where second units are permitted as long as the ordinance does not preclude second units in single-family and multi-family residential zones, impose development standards for height, setback, lot coverage and architectural review, establish minimum and maximum size requirements for second units, parking requirements which may not exceed one space per unit or bedroom, and may require the applicant for the second unit to be an owner-occupant of one of the units.

Under AB 2702, local ordinances may not preclude or effectively preclude second units within all residentially zoned areas unless there is a finding of adverse impacts on the public health, safety and welfare. In addition, a local ordinance may not establish a minimum unit size below 550 square feet or a minimum lot size requirement for detached second units above twice the square footage of the primary unit unless requested by the owner, and parking requirements for second units shall not exceed one parking space per unit or per bedroom. The fees assessed must be in accordance with the Government Code. The ordinance may not supersede or lessen the effect or application of the California Coastal Act.

Also, AB 2702 provides that if a school district allows residential uses on district property and agrees to adequate security facilities, the density permitted on the site is the highest multifamily density permitted on any parcel within 300 feet, or if multifamily use is not permitted within 300 feet, the highest multifamily density within the community plan area.

According to the Department of Regional Planning, the County's new Second Unit Ordinance, which was created in response to AB 1866, Chapter 1062 of 2002, strikes a balance between allowing second units and protecting the character of existing residential neighborhoods. The Department reports that the ordinance is working well and that it is premature for the State Legislature to propose changes to this ordinance.

The Department of Regional Planning recommends that the County oppose AB 2702 unless amended to eliminate the minimum unit and lot size, as well as school site residential development using the highest residential densities, and we concur. According to the Department, the prohibition on local governments from establishing minimum lot sizes would allow an applicant to build a detached second unit that is twice the size of the primary unit leading to overcrowded lots without yards or open space, and would invalidate the County's Second Unit Ordinance that sets the minimum lot size at 5,000 square feet in urban areas. Also, AB 2702 dictates land uses and densities for residential use on school property regardless of neighborhood compatibility, infrastructure capacity, and traffic concerns. Opposition to AB 2702, unless amended, is consistent with Board Policy to oppose legislation that infringes upon county board of supervisor's local land use decision-making authority. **Therefore, our Sacramento advocates will oppose AB 2702.**

AB 2702 is on third reading in the Senate. It is supported by the California Association of Realtors, the California Rural Legal Assistance Foundation, Western Center on Law and Poverty, California Labor Federation, AFL-CIO, and many local housing and senior citizen groups, and non-governmental organizations. It is opposed by the California State Association of Counties, Independent Cities Association, League of California Cities, Sierra Club, South Bay Cities Council of Governments, and a number of cities including Bellflower, Culver City, Lakewood, Palos Verdes Estates, and Santa Monica.

**SB 1612 (Speier)**, as amended on August 23, 2004, would reappropriate \$17.1 million from the Budget Act of 2003 to the Budget Act of 2004 to restore Child Welfare Services (CWS) program funding, previously vetoed by the Governor. In addition to replacing the funds, the measure reinstates language exempting counties from the thirty percent match requirement for the augmentation funds. The bill retains the original authorization for counties to use local funds to match Federal dollars for child-care for foster families.

The Department of Children and Family Services recommends that the County support SB 1612, and we concur. Support is consistent with existing policy to "support increased funding for family preservation programs" and "support legislation to guarantee full Child Welfare Services allocation, independent of actual caseload, for up to five years". **Therefore, our Sacramento advocates will support SB 1612.** This measure is currently awaiting a vote on the Assembly Floor.

**SB 1895 (Burton)**, as amended on August 23, 2004, specifies how the \$100 million included in the FY 2004-05 State Budget for AB 3632 mental health services provided to students with special needs will be allocated. It would provide \$31 million to local educational agencies to provide the assessment and services required before a student may be referred to county mental health programs. The remaining \$69 million must be distributed to counties for AB 3632 services, according to an allocation plan developed by the State Department of Mental Health, in consultation with counties.

The Department must submit the plan to the State Department of Finance and the Joint Legislative Budget Committee for approval, and at least 90 percent of each county's allocation must be distributed within 90 days after such approval. The remainder would be distributed after all claims are reviewed. SB 1895 also restates existing law that counties may use Realignment funds to provide mental health services for these special education students, and seek reimbursement for the cost of assessments, psychotherapy, and other mental health services. It also clarifies that counties do not have responsibility for any costs, except for assessments, prior to the approval of an education program for the student.

A recent Assembly Appropriations Committee report indicated that in the FY 2003-04 Budget the Legislature appropriated \$69 million in Federal funds to the State Department of Education for transfer to county mental health plans to assist counties

with current year and prior year obligations to provide mental health services to students with special needs. The release of those funds has been slow, and for approximately two and one half years, counties have been without significant State assistance in meeting the AB 3632 Program obligation. SB 1895 would provide clarification and accountability regarding the funds provided in the FY 2004-05 State Budget for these purposes.

The Department of Mental Health (DMH) indicates that SB 1895 will enable county mental health agencies to continue providing mental health assessment, treatment, and residential placements to emotionally disturbed children. The measure acknowledges that such services are most appropriately provided by county mental health agencies, rather than school districts. Additionally, SB 1895 specifies schools' particular responsibilities for screening and providing primary intervention services to children, which may help contain the growth in the number of children receiving AB 3632 mental health services from county mental health agencies.

Because SB 1895 requires that \$69 million in the FY 2004-05 State Budget be used exclusively to support mental health services provided by county mental health agencies to students with special needs, DMH recommends that the County support this measure, and we concur. Consistent with County policy to support measures which continue funding for special education students under the AB 3632 Program, **our Sacramento advocates will support SB 1895.**

SB 1895 is sponsored by the author and supported by the California State Association of Counties, California Association for the Retarded, and Jericho. It is opposed by the Childhood Family Guidance Center and the Valley Guidance Clinic. SB 1895 passed the Assembly Appropriations Committee on August 16, 2004 by a vote of 18 to 1, and is awaiting action on the Assembly Floor.

We will continue to keep you advised.

DEJ:GK  
MAL:JF:JL:MS:EW:ib

#### Attachment

c:     Executive Officer, Board of Supervisors  
        County Counsel  
        Local 660  
        All Department Heads  
        Legislative Strategist  
        Coalition of County Unions  
        California Contract Cities Association  
        Independent Cities Association  
        League of California Cities

**UPDATED CPR COMMISSION HEARING SCHEDULE**

(as of 8/20/04)

Riverside, August 13<sup>th</sup> at UCR  
10:00 to 3:00p.m.  
Infrastructure

At this hearing the topics to be discussed will include: Transportation; Hospital, Housing and School Construction; Water and Energy.

San Diego, August 20<sup>th</sup> at UCSD  
10:00 to 4:00p.m.  
Health and Human Services

San Jose, August 27<sup>th</sup> at SJSU  
10:00 to 4:00 p.m.  
General Government; Information Technology, Performance-based Management, Procurement and Personnel

Los Angeles, September 9<sup>th</sup> at Natural History Museum  
10:00 to 4:00 p.m.  
Education, Training, and Volunteerism

Long Beach, September 10<sup>th</sup> at Cal State Long Beach  
10:00 to 4:00p.m.  
Corrections Reform (Deukmejian Commission) and Public Safety

Fresno, September 17<sup>th</sup> at Cal State Fresno  
10:00 to 4:00 p.m.  
Resource Conservation and Environmental Protection

Davis, September 27<sup>th</sup> at UCD  
10:00 to 4:00 p.m.  
Government Reorganization

**NOTE**

While each hearing will focus on a specific topic or topics within CPR, the Commission will take public testimony at the end of each day on any issues contained in the report.